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April 20, 2018

Hon. Richard J. Sullivan
United States District Court
Southern District of New York
40 Foley Square, Room 2104
New York, NY 10007
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VIA HAND DELIVERY, CM/ECF AND EMAIL

Re: Hughes v. Benjamin, No. 17 CV 6493 (RJS)

Your Honor,

I represent Defendant Carl Benjamin in the captioned matter. Today Mr. Benjamin filed a motion to dismiss the Complaint in this action in its entirety and with prejudice pursuant to Fed. R. Civ. P. 12(b).

This is a copyright case alleging infringement of an audiovisual work, i.e., a YouTube video. As set forth in Defendant's moving papers, the original work and the alleged infringing work are incorporated by reference in the Complaint. They are properly considered by the Court in deciding this motion. (See Memorandum of Law at 9-11.)

Submitted herewith is a DVD containing audiovisual files containing the original and alleged infringing works. The files are named "Ex A - Plaintiff's Video - We Thought She Would Win" and "Ex C - Critical Video - SJW Levels of Awareness". These files are exhibits A and C to the Declaration of Wesley Mullen filed in support of the referenced motion. They are submitted on digital media to chambers, and to the Clerk of Court, pursuant to the Court's instructions.

I enclose courtesy copies of all of Defendant's motion papers pursuant to Rule 2.D.

Respectfully submitted,

Wes M. Muller

Wesley M. Mullen

cc w/encls: Clerk of Court, SDNY (via Hand Delivery)
Counsel of record (via First Class Mail)